

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DE RONG SHANG,

Defendant.

Case No. 2:11-cr-110-RLH-VCF

ORDER

(Motion to Reconsider–#121)

Before the Court is Defendant’s Emergency Motion for Reconsideration of District Court’s Order Granting Government’s Emergency Motions for Stay Pending Appeal of Magistrate Discovery Order (#121, filed January 24, 2012). (The appeal in question is an appeal to this Court, not the Court of Appeals.)

Although not mentioned in any of the Federal Rules of Civil Procedure, motions for reconsideration may be brought under both Rules 59(e) and 60(b). “Under Rule 59(e), a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999).

Under Rule 60(b), a court may relieve a party from a final judgment, order or proceeding only for: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other reason justifying relief from the judgment. A motion for reconsideration is properly denied when it

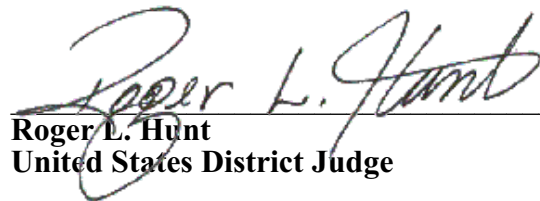
1 presents no arguments that were not already raised in its original motion. *See Backlund v. Barnhart*,
2 778 F.2d 1386, 1388 (9th Cir. 1985).

3 Motions for reconsideration are not “the proper vehicles for rehashing old arguments,”
4 *Resolution Trust Corp. v. Holmes*, 846 F.Supp. 1310, 1316 (S.D.Tex. 1994)(footnotes omitted), and
5 are not “intended to give an unhappy litigant one additional chance to sway the judge.” *Durkin v.*
6 *Taylor*, 444 F.Supp. 879, 889 (E.D. Va. 1977).

7 The arguments raised are no essentially different from those raised in Defendant’s
8 opposition to the Government’s motions to stay. The Court finds no reason to reconsider its orders to
9 stay.

10 IT IS THEREFORE ORDERED that Defendant’s Emergency Motion for Reconsidera-
11 tion of District Court’s Order Granting Government’s Emergency Motions for Stay Pending Appeal
12 of Magistrate Discovery Order (#121) is DENIED.

13 Dated: January 25, 2012.

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15 
16 **Roger L. Hunt**
United States District Judge